

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Joseph Jordan v David Keith Carthill II**

Docket No. **283989**

L.C. No. **05-005052 NI**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed February 29, 2008, is DISMISSED for lack of jurisdiction. The appeal was untimely filed more than 21 days after the December 28, 2007, dismissal order as to David Carthill II as required by MCR 7.204(A)(1)(a), and it was prematurely filed because a dismissal for no progress, which is without prejudice, does not adjudicate the rights of the parties as required by MCR 7.202(6)(1a)(i). See *Wickings v Artic Enterprises*, 244 Mich App 125 (2000). The order of February 8, 2008, which was the last order, was not a final order because it did not dispose of any claims and, in fact, it made a finding that the order of December 28, 2007, disposed of the last claim. The order of January 22, 2008, did not extend the time period to file a claim of appeal because it was not entered by January 18, 2008, 21 days after December 28, 2007. A circuit court order cannot extend the time to file a claim of appeal. See MCR 7.208(C)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 16 2008

Date

Sandra Schultz Mengel
Chief Clerk